

## SECTION 4 DEFINITIONS

4.01 For the purpose of this Zoning Ordinance, certain terms and words are to be used and interpreted as defined hereinafter. Words used in the present tense shall include the future tense; words in the singular number include the plural and words in the plural number include the singular, except where the natural construction of the writing indicates otherwise. The word shall is mandatory and not directory. (ZA01-0004)

4.02 **Accessory Structure (also referred to as Accessory Building)**- Any structure, either attached or detached from the main dwelling, the use of which is incidental to that of the main structure and located on the same lot. Accessory structures include, but are not limited to patio covers, arbors, gazebos, cabanas, outdoor kitchens and/or recreational fire enclosures, trellis, and structures/sheds or the like. A permit is required for all accessory structures. (ZA07-0006)

**Administrative, Medical, or Professional Office** - A building used for the provision of executive, management, or administrative services. Typical uses include, but are not limited to, administrative offices and services including real estate, property management, investment, medical, architect, engineer, travel, secretarial services, accounting organizations and associations, and vehicle rental office without on-site storage of fleet vehicles.

**Advertising Sign Or Structure** - Any cloth, card, paper, metal, glass, wooden, plastic, plaster or stone sign or other sign, device or structure of any character whatsoever, including a statuary or place for outdoor advertising purposes on the ground or any tree, wall, bush, rock, post, fence, building or structure. The term placed shall include erecting, constructing, posting, painting, printing, tacking, mailing, gluing, sticking, carving, or otherwise fastening, affixing or making visible in any manner whatsoever. The area of an advertising structure shall be determined as the area of the largest cross-section of such structure. Neither directional, warning nor other signs posted by public officials in the course of their public shall be construed as advertising signs for the purpose of this Ordinance.

**Airport/Heliport** - A place where aircraft and/or helicopters can land and take off, usually equipped with hangars, facilities for refueling and repair, and various accommodations for passengers.

**Alcoholic Beverage Establishment** - Any establishment that derives seventy-five percent (75%) or more of its gross revenue on a quarterly basis from the sale or service of alcoholic beverages, as defined in the Texas Alcoholic Beverage Code, as amended, for on-premise consumption. (ZA09-0004)

**Alley** - A minor right-of-way, dedicated to public use, which affords a secondary means of vehicular access to the back or side of properties otherwise abutting a street, and which may be used for public utility purposes.

**Antenna** - An instrument or device consisting of wires, poles, rods, or reflecting discs, designed for transmitting or receiving any portion of the radio, microwave, or electromagnetic spectrum.

**Antenna and/or Antenna Support Structure, Commercial (ZA02-0026)** - An antenna and its support structure used for commercial broadcasting or telecommunication purposes. This definition shall also include a satellite dish exceeding twelve feet (12') in diameter and a microwave-transmitting tower. All radiating equipment must comply with Federal Communications Commission (FCC), Environmental Protection Agency (EPA), Occupational Health and Safety Administration (OSHA), and all other applicable State and Federal regulatory agency requirements and guidelines for human safety, as they exist or may be amended.

**Antenna and/or Antenna Support Structure, Non-Commercial** - An instrument or device consisting of wires, poles, rods, or reflecting discs and its support structure not exceeding forty feet (40') in height above the ground elevation at the base of the support structure, designed for transmitting or receiving any portion of the radio, microwave, or electromagnetic spectrum. This definition shall also include a satellite dish antenna not to exceed twelve feet (12') in diameter.

**Antenna Support Structure** - Any tower, mast, pole, tripod, box frame, or other structure utilized for the purpose of transmission, retransmission, and/or reception of electromagnetic, radio, television, or microwave signals.

**Antique Shop and Used Furniture** - A retail establishment engaged in the selling of works of art, furniture, or other artifacts of an earlier period, with all sales and storage occurring inside a building.

**Apartment** - A room or suite of rooms in a Multiple-Family Residence arranged, designed, or occupied as a place of residence by a single family, individual, or group of individuals.

**Applicant (ZA06-0006)** means any person or entity that submits to the City an application for a permit required by the City for a Project. To be qualified as an Applicant under this Ordinance, the person or entity must have sufficient legal authority or proprietary interests in the land to commence and maintain proceedings under this Ordinance. The term shall be restricted to include only the Property Owner(s), or a duly authorized agent and representative of the Property Owner.

**Application for a permit (ZA06-0006)** means any document filed with the City that clearly indicates that the applicant is seeking consideration for a permit, the type of permit sought and provides the City with fair notice of the project, and when used in this Comprehensive Zoning Ordinance, shall include a plan for development of real property or a plan for development; but excluding applications to establish or amend a zoning district, including but not limited to a request to establish or amend a Planned Development District or to receive or amend a Specific Use Permit.

**Artisan's Workshop** - An establishment used for the preparation, display, and sale of individually crafted artwork, jewelry, furniture, sculpture, pottery, leather-craft, hand-woven articles, and related items.

**Assisted Care or Living Facility** - A facility which provides residence and care to ten or more persons regardless of legal relationship who are elderly; disabled; orphaned, abandoned, abused, or neglected children; victims of domestic violence; convalescing from illness; terminally ill; or temporarily homeless due to fire, natural disaster, or financial setback together with supervisory personnel. This definition shall also include a facility providing health care or rehabilitative services over a long period of time to persons chronically ill, aged, or disabled due to injury or disease.

**Athletic Stadium or Field, Private** - A private field(s) and structure used for sporting events with associated spectator seating, either permanent or temporary.

**Athletic Stadium or Field, Public** - A field(s) and structure owned and operated by the City of Frisco and/or a local independent school district used for sporting events with associated spectator seating, either permanent or temporary.

**Automobile** - A self-propelled mechanical vehicle designed for use on streets and highways for the conveyance of goods and people, including, but not limited to, passenger cars, trucks, buses, motor scooters, and motorcycles.

**Automobile Parking Lot/Garage** - An area or structure where the parking of motor vehicles serves as the primary use on the lot. This use does not include the storage of gasoline.

**Automobile Paid Parking Lot/Garage** - An area or structure where a fee is charged for parking motor vehicles and which serves as the primary use on the lot. This use does not include the storage of gasoline.

**Automobile Repair, Major** - General repair or reconditioning of engines, air-conditioning systems, and transmissions for motor vehicles; wrecker or towing service with on-site storage of vehicles; collision services including body, frame,

or fender straightening or repair; customizing; painting; vehicle steam cleaning; tire retreading; insurance estimations with on site storage; undercoating and rust proofing, and other similar uses.

**Automobile Repair, Minor** - An establishment used for the dispensing or sales of automobile fuels, lubricants, and automobile accessories; the minor repair or replacement of parts and performing state inspections and making minor repairs necessary to pass said inspection; automobile detailing; and the sales and installation of automobile radios. Uses listed under “Automobile Repair, Major” or any other similar uses are not included. Vehicles, which are inoperative or are being repaired, may not remain parked outside for a period greater than seven days.

**Automobile Sales/leasing, New** - Sales, rental, and/or leasing of new automobiles or light load vehicles, including, as accessory uses: Automobile Sales, Used; Automobile Repair, Major; and Automobile Storage.

**Automobile Sales, Used** - Sales of used automobiles or light load vehicles.

**Automobile Storage** - The storage on a lot or tract of operable automobiles for the purpose of holding such vehicles for sale, lease, distribution, or storage.

**Auto Parts Sales, Inside** - The use of any building for the display and sale of new or used parts, including tires, for automobiles, panel trucks or vans, trailers, or recreation vehicles.

**Auto Parts Sales, Outside** - The use of any land area for the display and sale of new or used parts, including tires, for automobiles, panel trucks or vans, trailers, or recreation vehicles.

**Bank, Savings and Loan, or Credit Union** - An establishment for the custody, loan, exchange or issue of money, the extension of credit, and/or facilitating the transmission of funds, including automated teller machines.

**Basement (or Cellar)** - A story partly or wholly underground. For purposes of height measurement, a basement shall be counted as a story when more than one-half of its height is above the average level of the adjoining ground or when subdivided and used for commercial or dwelling purposes by other than a janitor employed on the premises.

**Beauty Salon/Barber Shop** - Establishments primarily engaged in providing services generally involved in the care of the person or his apparel including, but not limited to, barber and beauty shops, tanning salons, ear piercing shops, cosmetic tattooing shops, and reducing salons.

**Bed and Breakfast Inn** - An owner (or operator) occupied residence with up to five (5) bedrooms available for overnight guests. A Bed and Breakfast Inn may provide for guest stays up to fourteen (14) consecutive days; however, it shall not offer weekly rental rates. Kitchen and dining facilities may be included to provide meals for guests only; however, no food preparation shall be permitted in guest bedrooms. A Bed and Breakfast Inn shall not include restaurants, banquet facilities, or similar services.

**Beer & Wine Package Sales (ZA01-0010)** - An establishment engaged in the selling of beer and/or wine to the general public for off-site personal or household consumption and rendering services incidental to the sale of such goods.

**Body Art Studio** - An establishment whose services include tattooing and/or body piercing. Tattooing shall mean the placing of designs, letters, figures, symbols, or other marks upon or under the skin of any person, using ink or other substances that result in the permanent coloration of the skin by means of the use of needles or other instruments designed to contact or puncture the skin. Body piercing shall mean the creation of an opening in an individual's body to insert jewelry or another decoration.

**Bottling Works** - A manufacturing facility designed to place a beverage into a bottle or can for distribution.

**Buildable Area** - the allowable area available to construct a building or structure after complying with the City's applicable set back and maximum lot coverage requirements.

**Building** - Any structure intended for shelter, occupancy, housing or enclosure for persons, animals or chattel. When separated by dividing walls without openings, each portion of such structure so separated shall be deemed a separate building.

**Building Height** - The vertical distance between the average of the highest and lowest points of grade of that portion of the lot covered by the building to the highest point of a structure.

**Building Line** - A line parallel, or approximately parallel, to any front lot line at a specific distance therefrom, marking the minimum distance from the front lot line that a building may be erected. (see Article VI, Appendix 1, Illustration #10)

**Building, Main** - A building in which the principal use of the lot on which it is situated is conducted. In a residential district any dwelling shall be deemed to be a main building on the lot on which it is situated.

**Building Material and Hardware Sales, Major** - An establishment for the sale of materials customarily used in the construction of buildings and other structures, including outside storage or display of materials or merchandise.

**Building Material and Hardware Sales, Minor** - An establishment for the sale of materials customarily used in the construction of buildings and other structures, without any outside storage or display of materials or merchandise.

**Building Official** - The inspector or administrative official charged with responsibility for issuing permits and enforcing the Zoning Ordinance and Building Code.

**Bus Terminal** - Any premises for the transient parking or storage of motor-driven buses and the loading and unloading of passengers.

**Business Service** - establishments primarily engaged in providing services not elsewhere classified, to business enterprises on a fee contract basis, including, but not limited to, advertising agencies, computer programming and software services, and office equipment sales, rental, leasing, or repair.

**Cabinet/Upholstery Shop** - An establishment for the production, display, and sale of cabinets, furniture, and soft coverings for furniture.

**Campground or Recreational Vehicle Park** - Any area that is designed for occupancy by transients using tents, mobile trailers, or recreational vehicles for temporary sleeping purposes.

**Candlepower** - The quantity of light required to illuminate a surface one- (1) foot distance from a light source to the intensity of one- (1) foot-candle.

**Caretaker's/Guard's Residence** - A residence located on a premises with a main non-residential use and occupied only by a caretaker or guard, and his/her family, employed on the premises.

**Carport** - A structure open on a minimum of two sides designed or used to shelter not more than three vehicles and not to exceed twenty-four feet on its longest dimension. Also called "covered parking area."

**Car Wash** - A facility where a customer can have a motorcycle, automobile and light load vehicle washed in exchange for financial consideration.

**Car Wash, Self-Serve** - A facility, typically coin operated, used by the customer to wash motorcycles, automobiles and light load vehicles.

**Cemetery or Mausoleum** - Property used for the interring of the dead.

**Certificate of Occupancy** - An official certificate issued by the City through the Building Official that indicates conformance with or approved conditional waiver

from the zoning regulations and authorizes legal use of the premises for which it is issued; may be referred to as an Occupancy Permit.

**Church, Temple, Synagogue, Mosque, or Other Place of Worship** - A building designed and used primarily for religious assembly and worship and those accessory activities which are customarily associated therewith, and the place of residence for ministers, priests, nuns, rabbis, or other religious personnel on the premises (tax exempt as defined by State law). For the purposes of this ordinance, bible study and other similar activities that occur in a person's primary residence shall not apply to this definition.

**City Council** - The governing body of the City of Frisco, Texas. References to the "City" shall mean the City of Frisco.

**Civic/Convention Center** - A building or complex of buildings used for cultural, recreational, athletic, convention, or entertainment purposes.

**Clear-Cutting** - any indiscriminate cutting, plowing, or grubbing of Protected Tree(s) without regard to their type or size for the purpose of clearing an area of land of Trees.

**College, University, Trade, or Private Boarding School** - An institution established for educational purposes offering courses for study beyond the secondary education level, including trade schools and commercial schools offering training or instruction in a trade, art, or occupation. A boarding school is an educational institution offering primary and secondary level courses. Dormitories for students and employees only are permitted in conjunction with these uses.

**Commercial Amusement, Indoor** - An enterprise providing for indoor recreational activities, services, amusements, and instruction for an admission fee. Uses may include, but are not limited to, bowling alleys, ice or roller skating rinks, bingo parlors, amusement arcades, and/or practice areas.

**Commercial Amusement, Outdoor** - An enterprise providing for outdoor recreational activities, services, amusements, and instruction for an admission fee, including, but not limited to, batting cages, miniature golf, go-kart tracks, and carnivals.

**Community Center** - A building or portion of a building owned and/or operated by a government entity or not-for-profit agency in which facilities are provided for civic, educational, political, or social purposes.

**Comprehensive Plan** - Graphic and textual form policies which govern the future development of the City and which consists of various components governing specific geographic areas and functions and services of the City.

**Concrete/Asphalt Batching Plant, Permanent** - A permanent manufacturing facility for the production of concrete or asphalt.

**Concrete/Asphalt Batching Plant, Temporary** - A temporary manufacturing facility for the on-site production of concrete or asphalt during construction of a project, and to be removed when the project is completed.

**Construction Yard and Field Office, Temporary** - A building, structure, or storage/assembly yard used in conjunction with a development project for housing temporary supervisory or administrative functions related to development, construction, or the sale of real estate properties within the development and subject to removal at completion of construction.

**Contractor's Shop and/or Storage Yard** - A building, part of a building, or land area for the construction or storage (inside or out) of materials, tools, products, and vehicle fleets.

**Convenience Store with Gas Pumps** - A retail establishment that sells food and other consumable and non-consumable products for off-premise use or consumption. This definition shall also include the dispensing or sales of motor vehicle fuels, lubricants, and accessories, but shall not include automobile repair or the sale of replacement parts.

**Convenience Store without Gas Pumps** - A retail establishment that sells food and other consumable and non-consumable products for off-premise use or consumption.

**Court** - An open, unobstructed space, bounded on more than two sides by the walls of a building. An inner court is entirely surrounded by the exterior walls of a building. An outer court has one side open to a street, alley, yard, or other permanent open space.

**Coverage** - The lot area covered by all structures located thereon. Structures shall include main structures and accessory structures with or without a permeable roof. (ZA07-0006)

**Cutoff** - The point at which all light rays emitted by a lamp, light source or luminary are completely eliminated (cutoff) at a specific angle above the ground.

**Cutoff Angle** - The maximum angle formed by a line drawn in the direction of emitted light rays at the light source and a line perpendicular to the ground from the light source, beyond which no light is emitted.

**Dance Hall** - An establishment open to the general public for entertainment, in particular, dancing.



**Day Care Center, Adult (Z2000-0061)** - A facility that provides services under an Adult Day Care Program on a daily or regular basis, but not overnight, to four or more elderly or handicapped persons who are not related by blood, marriage, or adoption to the owner of the facility. Adult Day Care Centers must be licensed by the Texas Department of Human Services.

**Day Care Center, Child** - A commercial institution or place designed for the care of four (4) or more children during the hours of 6:00 a.m. to 10:00 p.m. The term “day care center” shall not include overnight lodging, medical treatment, counseling, or rehabilitative services and does not apply to any school. This use is subject to registration with the Texas Department of Aging and Disability Services prior to a Certificate of Occupancy being granted for the facility

**Day Care Center, Drop-In Child Care** - A commercial institution or place designed for the care of four (4) or more children during the hours of 8:00 a.m. to 12:00 a.m. that charges on an hourly basis and markets itself as a drop-in center. All Drop-In Child Care centers with an approved Specific Use Permit shall provide average stay per visit data on a yearly basis to the Zoning & Subdivision Administrator. Average stay per visit on an annual basis shall not exceed four hours. This use is subject to registration with the Texas Department of Family and Protective Services prior to a Certificate of Occupancy being granted for the facility.

**Day Care Center, Incidental** - A place designed solely for the care of children belonging to employees of the primary use. The center shall be completely contained within the primary use and shall not constitute more than fifteen percent (15%) of the main use. The operating hours of the center shall be the same as the primary use and shall not include overnight lodging, medical treatment, counseling, or rehabilitative services. This use is subject to registration with the Texas Department of Family and Protective Services prior to a Certificate of Occupancy being granted for the facility.

**Day Care Center, In-Home** - A home occupation that provides care for less than 24 hours a day to no more than six children under the age of fourteen, plus no more than six additional elementary school-age children (age five to thirteen). The total number of children, including the caretaker's own children, is no more than twelve at any time. This use is subject to registration with the Texas Department of Family and Protective Services (Z2000-0061) prior to a Certificate of Occupancy being granted for the facility.

**Development** - Any manmade change to improved or unimproved real estate, including but not limited to, buildings and/or other structures, paving, drainage, utilities, storage, and agricultural activities.

**District** - Any section or sections of the City for which the regulations governing the use of land and the use, density, bulk, height and coverage of buildings and other structures are uniform for each class or kind of building therein.

**Downtown Public Parking Lot(s) (ZA03-0003)** - An area, other than street or public way, provided for self-parking by employees, visitors, and/or patrons of any state or local government, any public accommodations, retail or office establishments, or any other business open to the general public.

**Drip Line** - A vertical line running through the outermost portion of the crown of a tree and extending to the ground.

**Dry Cleaning, Major** - An industrial facility where fabrics are cleaned with substantially non-aqueous organic solvents on a commercial or wholesale basis.

**Dry Cleaning, Minor** - A custom cleaning shop or pick-up station not exceeding six thousand (6,000) square feet of floor area, including, but not limited to, dry cleaning plants having no more than one thousand five hundred (1,500) square feet of floor area for dry cleaning equipment.

**Easement** - A grant of one or more of the property rights by the property owner to and/or for the use by the public, a corporation or another person or entity.

**Electrical Power Generating Plant** - All equipment, fixtures, and property operated or maintained in connection with the production of electricity and transmission of electricity produced.

**Equipment and Machinery Sales and Rental, Major** - A building or open area used for the display, sale, rental, or storage of heavy equipment and machinery.

**Equipment and Machinery Sales and Rental, Minor** - A building or structure used for the inside display, sale, rental, or storage of light machinery, including, but not limited to, bicycles, lawn mowers, tools, and other small machinery.

**Fairgrounds/Exhibition Area** - An area where outdoor fairs, circuses, or exhibitions are held.

**Fair notice (ZA06-0006)** means that an application for a permit contains information sufficient for the City to determine:

- (a) the size, number, location and shape of all lots involved in the project;
- (b) the desired zoning district and the specific uses allowed within the zoning district that will be developed on the property as part of the project;

- (c) the size, number, location and type of improvements to be made on the property as part of the project; and
- (d) the streets, alleys, water mains and taps, sanitary sewer mains and taps and storm sewers that will be necessary to adequately serve the property when the project is complete.

**Family** - One or more persons related by blood, marriage, or adoption, or a group not to exceed four (4) persons not all related by blood or marriage, adoption or guardianship, occupying a dwelling unit and living as a single house-keeping unit.

**Farmer's Market** - An area containing individual vendors who offer fruits, vegetables, herbs, spices, edible seeds, nuts, live plants, flowers, and honey for sale. This definition does not include the sale of any type of meat, fish, poultry, eggs, refrigerated dairy products, or home canned or packaged items.

**Farm, Ranch, Stable, Garden, or Orchard** - An area which is used for the cultivation of vegetables, fruits, and grain or for the raising thereon of the usual farm poultry and farm animals such as horses, cattle, and sheep and including the necessary accessory uses for raising, treating, and storing products raised on the premises, but not including the commercial feeding of offal or garbage to swine or other animals and not including any type of agriculture or husbandry specifically prohibited by ordinance or law.

**Feed Store** - An establishment for the selling of corn, grain, and other foodstuffs for animals and livestock and including other implements and goods related to agricultural processes, but not including farm machinery.

**Flea Market, Inside** - A building or structure wherein space is rented to vendors on a short-term basis for the sale of merchandise. The principal sales shall include new and used household goods, personal effects, tools, art work, small household appliances, and similar merchandise, objects, or equipment in small quantities. The term flea market shall not be deemed to include wholesale sales establishments or rental services establishments, but shall be deemed to include personal services establishments, food services establishments, retail sales establishments, and auction establishments.

**Flea Market, Outside** - An outdoor site where space is rented to vendors on a short-term basis for the sale of merchandise. The principal sales shall include new and used household goods, personal effects, tools, art work, small household appliances, and similar merchandise, objects, or equipment in small quantities. The term flea market shall not be deemed to include wholesale sales establishments or rental services establishments, but shall be deemed to include personal services establishments, food services establishments, retail sales establishments, and auction establishments.

**Flood or Spot Light** - Any light fixture or lamp that incorporates a reflector or a refractor to concentrate the light output into a directed beam in a particular direction.

**Flood Plain** - any property within the limits as delineated by FEMA (Federal Emergency Management Agency) of the 100-year flood plain or as amended by an engineering flood study of the ultimate developed conditions prior to any reclamation.

**Floor Area** - The total gross square feet of floor space within the outside dimensions of a building including each floor level, but excluding carports, residential garages, and breezeways.

**Floor Area Ratio (FAR)** - The floor area of a main building or buildings on a lot, excluding structured parking garages, divided by the lot area. (see Article VI, Appendix 1, Illustration #1)

**Foot-Candle** - A unit of illumination produced on a surface, all points of which are one (1) foot from a uniform point source of one- (1) candle. When metric units are used, lux is the unit of light quantity. One (1) lux equals one (1) lumen per square meter of area. One (1) foot-candle equals 10.76 lux.

**Fortune Teller/Psychic** - A use involving the foretelling of the future in exchange for financial or other valuable consideration. Fortune telling shall include, but is not limited to, uses where the fortune is told through astrology, augury, card or tea reading, cartomancy, clairvoyance, clairaudience, crystal gazing, divination, magic mediumship, necromancy, palmistry, psychometry, phrenology, prophecy, and spiritual reading. Fortune telling does not include forecasting based on historical trends or patterns or religious dogma.

**Fraternal Organization, Lodge, Civic Club, Fraternity, or Sorority** - An organized group having a restricted membership and specific purpose related to the welfare of the members including, but not limited to, Elks, Masons, Knights of Columbus, Rotary International, Shriners, or a labor union.

**Full Cutoff-Type of Luminaries or Horizontal Limited Luminaries** - Luminaries constructed or shielded to direct all light at a cutoff angle of less than ninety (90) degrees.

**Furniture, Home Furnishings and Appliance Store** - Retail establishments selling goods used for furnishing the home, including, but not limited to, furniture, floor coverings, draperies, domestic stoves, refrigerators, and other household electrical and gas appliances.

**Furniture Restoration** - A workshop that specializes in furniture refinishing, including the use of all materials, tools, and chemicals associated with the use.

**Garage Apartment** - A dwelling unit for one family erected in conjunction with a garage when the main structure is an owner occupied detached dwelling unit.

**Garage, Private** - An enclosed (on at least three (3) sides) accessory building, or a part of a main building, used for storage of automobiles and used solely by the occupants and their guests. Also called "enclosed parking space."

**Gas Pumps** - Any facility, equipment, or fixture, including a canopy, used for retail dispensing of motor vehicle fuels.

**General Manufacturing/Industrial Use Complying with Performance Standards** - Manufacturing of finished products and component products or parts through the processing of materials or substances, including basic industrial processing. Such operations shall be determined by Health, Fire, and Building officials not to be a hazard or nuisance to adjacent property or the community at large, due to the possible emission of excessive smoke, noise, gas, fumes, dust, odor, or vibration, or the danger of fire, explosion, or radiation.

**Glare** - Direct light emitted from a light source, which is sufficient to cause annoyance, discomfort, or temporary loss of visual performance and visibility.

**Golf Course and/or Country Club** - A land area and buildings used for golf, including fairways, greens, tee boxes, driving range, putting green, and associated maintenance and retail facilities. This definition shall also include clubhouses, dining rooms, swimming pools, tennis courts, and similar recreational or service uses available only to members and their guests.

**Governmental Office** - A building used for the provision of governmental executive, management, administrative, and/or postal services. Governmental offices include those facilities owned and/or operated by city, special district, county, state, and federal agencies.

**Green Belt** - An open space that may be of irregular form that may include trees typically found along a natural or manmade feature such as a creek, flood plain, escarpment, right-of-way, or park.

**Guest House** - An accessory building used to house guests of the owner(s) of the main residential structure, and which is never rented or offered for rent.

**Gunsmith** - An establishment used for the sale, service, or exchange of firearms, ammunition, or other gun related equipment.

**Gymnastics/Dance Studio** - A building or portion of a building used as a place of work for a gymnast, dancer, or martial artist or for instructional classes in gymnastics, dance, or martial arts.

**Health/Fitness Center** - A public or private facility operated to promote physical health and fitness. Activities may include exercise, physical therapy, training, and education pertaining to health and fitness. Uses or combinations of uses or facilities would typically include, but are not limited to, game courts, weight lifting and exercise equipment, aerobics, swimming pools and spas, and running or jogging tracks.

**Heavy Load Vehicle** - A self-propelled vehicle having a Manufacturer's Recommended Gross Vehicle Weight (GVW) of greater than 11,000 pounds, such as large recreational vehicles (originally manufactured as RVs, not converted), tractor-trailers, buses, vans, and other similar vehicles. The term "truck" shall be construed to mean "Heavy Load Vehicle" unless specifically stated otherwise.

**Height of luminary** - The height of a luminary shall be the vertical distance from the ground directly below the centerline of the luminary to the lowest direct light emitting part of the luminary.

**Helistop** - A place where helicopters can land and take off but excluding refueling, maintenance, repairs, and storage of helicopters.

**Homebuilder Marketing Center** - A building or structure used for the marketing and sale of lots or homes.

**Home Occupation (ZA02-0023)** - An occupation, which is secondary to the primary use of a dwelling as a residence, conducted on residential premises by the occupant of the residence. Home occupations shall be subject to the conditions set forth in Article II, Section 3.04(6) of the Zoning Ordinance.

**Hospital** - An institution providing primary health services and medical or surgical care to persons, primarily inpatients, suffering from illness, disease, injury, deformity, and other abnormal physical or mental conditions, and including, as an integral part of the institution, related facilities such as laboratories, helistops, outpatient facilities, or training facilities as licensed by the State of Texas.

**Hotel** - A building or group of buildings used as a temporary dwelling place for individuals in exchange for financial consideration where customary hotel services such as linen, maid service, and telephone are provided. Hotel room units are accessed through doorways into an internal hallway, courtyard, or lobby. Financial consideration for Hotel room units is generally calculated on a nightly basis.

**Household Appliance Service and Repair** - The maintenance and rehabilitation of appliances customarily used in the home, including, but not limited to, washing and drying machines, refrigerators, dishwashers, trash

compactors, ovens and ranges, countertop kitchen appliances, and vacuum cleaners.

**Household Care Facility** - A dwelling unit which provides residence and care to not more than nine persons, regardless of legal relationship, who are elderly; disabled; orphaned, abandoned, abused, or neglected children; victims of domestic violence; convalescing from illness; terminally ill; or rendered temporarily homeless due to fire, natural disaster or financial setbacks, living together with not more than two supervisory personnel as a single housekeeping unit. This definition is subject to Personal Care Facility Licensing Act (Texas Health and Safety Code, Section 247.001 et seq.) and Community Homes for Disabled Persons Location Act (Texas Human Resources Code, Section 123.001 et seq.) as they presently exist or may be amended in the future.

**Illumination Level** - Average lighting intensity measured at grade (in foot-candles).

**Incandescent Light** - Illumination produced by a filament, which is heated by an electric current, including quartz and halogen lights.

**Incidental Use** - Any use different from the primary use but which compliments and/or supplements the primary use. Incidental shall mean an area that constitutes not more than fifteen percent (15%) of the main use.

**Indoor Gun Range** - Any indoor facility open to the public and occupying all or a portion of a building where firearms are discharged for testing or recreation purposes.

**Industrial Park** - A large tract of land that has been planned, developed and operated as an integrated facility for a number of individual industrial uses, with special attention to circulation, parking, utility needs, aesthetics, and compatibility.

**Insurance Office** - A building or facility used for the sales, management, and administration of insurance services, including the estimation of automobile damages, but excluding on-site parking/storage of damaged vehicles.

**Lamp** - The component of a luminary that produces the actual light.

**Landfill** - A tract of land used for the burial of farm, residential, institutional, industrial, or commercial waste that is not hazardous, medical, or radioactive.

**Landscaping** - Material such as, but not limited to, grass, groundcovers, shrubs, vines, hedges, trees or palms, and non-living durable material commonly used in landscaping, such as, but not limited to, rocks, pebbles, sand, walls or fences, but excluding paving.

**Laundromat** - A facility where patrons wash, dry, or dry-clean clothing and other fabrics in machines operated by the patron.

**Light Load Vehicles** - A self-propelled vehicle having a Manufacturer's Recommended Gross Vehicle Weight (GVW) not greater than 11,000 pounds, and having no more than two axles, such as pick-up trucks, vans, recreational vehicles (less than thirty-two [32] feet in length), campers and other similar vehicles but not including automobiles and motorcycles.

**Light Pollution** - The shining of light produced by luminaries above the height of the luminaries and into the sky.

**Light Trespass** - The shining of light produced by luminaries beyond the boundaries of the property on which it is located.

**Limited Assembly and Manufacturing Use Complying with Performance Standards** - The fabrication, assembly, manufacturing, and packaging of finished products or parts, predominantly from previously prepared materials, but excluding basic industrial processing. Such operations shall be determined by Health, Fire, and Building officials not to be a hazard or nuisance to adjacent property or the community at large, due to the possible emission of excessive smoke, noise, gas, fumes, dust, odor, or vibration, or the danger of fire, explosion, or radiation.

**Loading Space** - An off-street space or berth used for the delivery and loading or unloading of vehicles.

**Locksmith/Security System Company** - Establishments primarily engaged in providing, installing, repairing, and/or monitoring locks and electronic security systems.

**Lot** - Any plot of land occupied or intended to be occupied by one main building and the required parking, or a group of main buildings, and accessory building and uses, including such open spaces as are required by the Ordinance, and other laws or ordinances, and having its principal frontage on a public street or officially approved place. (see Article VI, Appendix 1, Illustrations #10, #11, and #12)

**Lot, Area** - The total area, measured on a horizontal plane, included within lot lines.

**Lot, Corner** - A lot which has at least two adjacent sides abutting for their full lengths on a street, provided that the interior angle at the intersection of such two sides is less than one hundred thirty-five degrees (135°).



**Lot, Depth** - The mean horizontal distance between the front and rear lot lines. (see Article VI, Appendix 1, Illustration #11)

**Lot, Double Frontage** - A lot having a frontage on two (2) non-intersecting streets, as distinguished from a corner lot. (see Article VI, Appendix 1, Illustration #5)

**Lot, Flag or Panhandle** - A lot having access to a street by means of a parcel of land having a depth greater than its frontage, and having a width less than the minimum required lot width, but not less than twenty-five (25) feet. The maximum distance of the area less than the required width from the front property line shall be one hundred ten (110) feet.

**Lot, Interior** - A lot other than a corner lot.

**Lot, Key** - A corner lot that is so designed that the lots located directly behind it face the side street of the corner lot and are not separated by an alley shall be considered a key lot. (see Article VI, Appendix 1, Illustration #13)

**Lot Frontage** - That dimension of a lot or portion of a lot abutting on a street, excluding the side dimension of a corner lot.

**Lot Line, Front** - The narrower side of the lot abutting a street. Where two lot lines abutting streets are of equal length, the owner shall have a choice in designating which shall be the lot frontage. For a lot which has a boundary line which does not abut the front street line, is not a rear lot line and lies along the same general directional orientation as the front and rear lot lines, said line shall be considered a front lot line in establishing minimum setback lines. (see Article VI, Appendix 1, Illustration #10)

**Lot Line, Rear** - The lot line farthest from and most parallel to the front lot line. For triangular lots, the point opposite the front lot line shall be considered the rear lot line and have a value of zero. (see Article VI, Appendix 1, Illustration #12)

**Lot Line, Side** - Any lot line not the front or rear lot line.

**Lot Lines or Property Lines** - The lines bounding a lot as defined herein.

**Lot of Record** - A lot which is part of a subdivision, the plat of which has been recorded in the office of the County Clerk of Collin or Denton County or a lot subdivided by metes and bounds description prior to February 1984.

**Lot Width** - The horizontal distance measured between side lot lines parallel to the front lot line, and measured from the point on the building line that is closest to the front lot line. (see Article VI, Appendix 1, Illustration #10)

**Lumen** - Unit used to express the light output of a lamp or fixture.

**Luminary** - A complete lighting unit consisting of a light source and all necessary mechanical, electrical and decorative parts.

**Luminous Tube Lighting** - Gas-filled tubing which, when subjected to high voltage, becomes luminescent in a color characteristic of the particular gas used, e.g. neon, argon, etc.

**Machine Shop** - A workshop where metal fabrication tools, including, but not limited to, lathes, presses, and mills, are used for making, finishing, or repairing machines or machine parts.

**Major Thoroughfare** - A dedicated street or highway route designated as a Thoroughfare by the Thoroughfare Plan map of the Comprehensive Plan.

**Masonry Construction** - Unless otherwise provided for in this Ordinance, exterior construction materials are fired brick, natural and manufactured stone, granite, marble, architectural concrete block, and stucco for all structures. Other exterior construction materials for non-residential structures are tilt wall concrete panels, sealed and painted concrete block, and exterior insulation and finish systems ("EIFS").

**Massage Therapy, Licensed** - Any place of business in which massage therapy is practiced by a massage therapist, as defined and licensed by State law. "Massage therapy", as a health care service, means the manipulation of soft tissue for therapeutic purposes. The term includes, but is not limited to, effleurage (stroking), petrissage (kneading), tapotement (percussion), compression, vibration, friction, nerve strokes, and Swedish gymnastics, either by hand or with mechanical or electrical apparatus for the purpose of body message. Massage therapy may include the use of oil, salt glows, heat lamps, hot and cold packs, tub, shower or cabinet baths. Equivalent terms for "massage therapy" are massage, therapeutic massage. Massage and "therapeutic" do not include diagnosis, the treatment of illness or disease, or any service or procedure for which a license to practice medicine, chiropractic, physical therapy, or podiatry is required by law.

**Massage Therapy, Unlicensed** - Any place of business in which massage therapy is practiced by an unlicensed massage therapist. "Massage therapy", as a health care service, means the manipulation of soft tissue for therapeutic purposes. The term includes, but is not limited to, effleurage (stroking), petrissage (kneading), tapotement (percussion), compression, vibration, friction, nerve strokes, and Swedish gymnastics, either by hand or with mechanical or electrical apparatus for the purpose of body message. Massage therapy may include the use of oil, salt glows, heat lamps, hot and cold packs, tub, shower or cabinet baths. Equivalent terms for "massage therapy" are massage, therapeutic massage. Massage and "therapeutic" do not include diagnosis, the treatment of

illness or disease, or any service or procedure for which a license to practice medicine, chiropractic, physical therapy, or podiatry is required by law.

**Mineral Extraction** – The process of extracting sand, gravel, stone, or other minerals/natural resources from the earth.

**Mini-Warehouse/Public Storage** - A building(s) containing separate, individual self-storage units for rent or lease. The conduct of sales, business, or any activity other than storage shall be prohibited within any individual storage unit.

**Miscellaneous Hazardous Industrial Use** - Any industrial use not specifically defined in this section that is determined by Health, Fire, or Building officials to be a hazard or nuisance to adjacent property or the community at large, due to the possible emission of excessive smoke, noise, gas, fumes, dust, odor, or vibration, or the danger of fire, explosion, or radiation.

**Mobile Food Vendor** - Any person or persons who operates or sells food from a stationary cart, or trailer mounted on chassis, but without an engine for period of 15 days or greater per year. Mobile food vendors who operate for 14 days or less shall be considered temporary food establishments, as defined by the City of Frisco Health Ordinance as it exists or may be amended (ZA2002-0019).

**Mobile Home** - A dwelling designed to be transported on its own chassis on the road in one or more sections by a prime mover and which is constructed with a base section so as to be independently self-supporting and not requiring a permanent foundation for year-round living.

**Model Home** - A single-family dwelling in a developing subdivision located on a legal lot of record that is limited to temporary use as a sales office for the subdivision and to provide an example of the dwellings which have been built or which are proposed to be built in the same subdivision.

**Modular Home (or Industrialized Housing)** - "Modular home" means a structure or building module as defined, under the jurisdiction and control of the Texas Department of Labor and Standards and that is installed and used as a residence by a consumer, transportable in one or more sections on a temporary chassis or other conveyance device, and designed to be used on a permanent foundation system. The term includes the plumbing, heating, air-conditioning, and electrical systems contained in the structure. The term does not include a mobile home as defined in the Texas Manufactured Housing Standards Act (Article 5221f V.T.C.S.); nor does it include building modules incorporating concrete or masonry as the primary structural component.

**Mortuary/Funeral Parlor** - A place for the storage of human bodies prior to their burial or cremation, or a building used for the preparation of the deceased for

burial and the display of the deceased and ceremonies connected therewith before burial or cremation.

**Motel** - A building or group of buildings used as a temporary dwelling place for individuals in exchange for financial consideration where customary hotel services such as linen, maid service, and telephone are provided. Each motel room unit has direct access to the outside. Financial consideration for Motel room units is generally calculated on a nightly basis.

**Motorcycle** - A usually two-wheeled self-propelled vehicle having one or two saddles or seats, and which may have a sidecar attached. For purposes of this ordinance, motorbikes, motorscooters, mopeds, and similar vehicles are classified as motorcycles.

**Motorcycle Sales/Service** - The display, sale, repair, and servicing of new or used motorcycles.

**Motor Vehicle** - Any vehicle designed to carry one or more persons, which is propelled or drawn by mechanical power, such as automobiles, trucks, motorcycles, and buses.

**Multi-Family Residence** - Attached dwelling units designed to be occupied by three or more families living independently of one another, exclusive of Hotels, Motels, or Residence Hotels.

**Municipal Uses Operated by the City of Frisco** - Any area, land, building, structure, and/or facility owned, used, leased, or operated by the City of Frisco, Texas, including, but not limited to, administrative office, maintenance facility, fire station, library, sewage treatment plant, police station, water tower, service center, park, heliport, helistop, and golf course.

**Museum/Art Gallery** - A building serving as a repository for a collection of natural, scientific, artistic, or literary objects of interest, and designed to be used for viewing, with or without an admission charge, and which may include as an accessory use the sale of goods.

**Net Acre** - The acreage within the platted lot.

**Nonconforming Use** - A building, structure, or use of land lawfully occupied at the time of the effective date of this ordinance or amendments thereto, but which does not conform to the use regulations of the district in which it is situated.

**Non-Residential Property** - Property zoned or used for other than residential purposes.

**Notice of Incomplete Application (ZA06-0006)** has the meaning specified in Article I, Section 12.

**Nursery, Major** - An establishment for the cultivation and propagation, display, storage, and sale (retail and wholesale) of large plants, shrubs, trees, and other materials used in indoor or outdoor plantings; and the contracting for installation and/or maintenance of landscape material as an accessory use. Outdoor display and storage is permitted.

**Nursery, Minor** - A retail business for the display and/or sale of trees, shrubs, flowers, ornamental plants, seeds, garden and lawn supplies, and other materials used in indoor and outdoor planting, without outside storage or display.

**Occupancy** - The use or intended use of the land or buildings by proprietors or tenants.

**Office and Storage Area for Public/Private Utility** - The pole yard, maintenance yard, or administrative office of public or private utilities.

**Office Center** - A building or complex of buildings used primarily for conducting the affairs of a business, profession, service, industry or government, or like activity, that may include ancillary services for office workers such as a coffee shop, newspaper or candy stand.

**Office/Showroom** - A building that primarily consists of sales offices and sample display areas for products and/or services delivered or performed off-premises. Catalog and telephone sales facilities are appropriate. Incidental retail sales of products associated with the primary products and/or services are permitted. Warehousing facilities shall not exceed 50% of the total floor area. This designation does not include contractor's shop and storage yard.

**Office/Warehouse/Distribution Center** - A building primarily devoted to storage, warehousing, and distribution of goods, merchandise, supplies, and equipment. Accessory uses may include retail and wholesale sales areas, sales offices, and display areas for products sold and distributed from the storage and warehousing areas.

**Officially Approved Place of Access** - Access, other than a dedicated street, to a property, which is approved by the City of Frisco.

**Oil Well/Gas Well** - Area used for development and production and all operational activities associated with oil and gas for any well drilled, to be drilled, or used for the intended or actual production of oil or natural gas, or a well classified as an oil or gas well under the laws of the State of Texas.

**Outdoor Lighting** - The nighttime illumination of an outside area or object by any man-made device located outdoors that produces light by any means.

**Outside Storage and Display** - A primary land use providing outdoor storage or display of commodities, materials, goods, equipment, vehicles, or merchandise in its normal day-to-day business activities. This definition excludes new and used sale or lease of automobiles, motorcycles recreational vehicles, boats, or watercrafts. Land uses providing outside storage and display are subject to regulations in Article II, Section 3 (3.04); Article III, Section 4 (4.05(H)); and Article IV, Section 5 (5.03). (ZA05-0004)

**Parking Lot** - An off-street, ground level area, usually surfaced and improved, for the temporary storage of motor vehicles.

**Package Sales** - An establishment principally for the retail sale of alcoholic beverages, as defined in the Texas Alcoholic Beverage Code, as amended, to the general public for off-premise consumption and rendering services that are incidental to the sale of such goods. (ZA09-0004)

**Parking Space** - A nine-foot wide by twenty feet in depth area designated for off-street parking.

**Park or Playground** - An area developed for active play and recreation that includes, but is not limited to, open space, sports courts, play equipment, and trails.

**Patio Home (Zero Lot Line Residence)** - A lot which is designed in such a manner that the side yard and adjacent use easement make maximum use of available land area to preserve an open, yet private, use of the side yard, and permits construction of a detached single family dwelling with one side of such dwelling placed on the side property line.

**Pawn Shop** - An establishment where money is loaned on the security of personal property pledged in the keeping of the owners (pawnbroker).

**Permit (ZA06-0006)** means a license, certificate, approval, registration, consent, permit, contract or other agreement for the construction or provision of service from a utility owned, operated, or controlled by the City, or other form of authorization required by law, rule, regulation, order, or ordinance, which has been approved by the City, that a person or entity must obtain to perform an action or initiate, continue, or complete a project for which the permit is sought, and for which the application for the permit or information required to be submitted for consideration provides fair notice of the project to the City. Notwithstanding, an ordinance establishing or changing a zoning district, including but not limited to an ordinance establishing or amending a Planned Development District or Specific Use Permit, is not considered a permit.

**Pet Day Care** - A commercial institution or place designed for the care of no more than one (1) household pet per one hundred (100) square feet of gross floor area.

**Photometric Plan** - A point-by-point plan depicting the intensity and location of lighting on the property.

**Plan for development of real property or a plan for development (ZA06-0006)** means an administratively complete application for a preliminary site plan or site plan. An application for a preliminary site plan or site plan shall be considered administratively complete when all information required to be submitted by Article IV, Section 1 for consideration has been received by the City, in addition to any required fees.

**Planned Development District** - Planned associations of uses developed as integral land use units such as industrial parks or industrial districts, offices, commercial or service centers, shopping centers, residential developments of multiple or mixed housing, including attached single-family dwellings or any appropriate combination of uses which may be planned, developed or operated or integral land use units either by a single owner or a combination of owners.

**Planning & Zoning Commission** - A board, appointed by the City Council as an advisory body, authorized to recommend changes in the zoning and other planning functions as delegated by the City Council. Also referred to as the "Commission."

**Plat** - A plan of a subdivision of land creating building lots or tracts and showing all essential dimensions and other information essential to comply with the subdivision standards of the City of Frisco and subject to approval by the Planning & Zoning Commission and filed in the plat records of either Collin or Denton County.

**Progress towards completion (ZA06-0006)** shall have the same meaning set forth in Section 245.005(c) of the Texas Local Government Code, as it exists or may be amended, unless another meaning is specified.

**Project (ZA06-0006)** means an endeavor over which the City exerts its jurisdiction and for which one or more permits are required to initiate, continue, or complete the endeavor.

**Plot** - A single unit or parcel of land or a parcel of land that can be identified and referenced to a recorded plat or map.

**Portable Building Sales** - An establishment that displays and sells structures which are capable of being carried and transported to another location, not including mobile homes.

**Premises** - Land together with any buildings or structures situated thereon.

**Primary Use** - The principal or predominant use of any lot or building.

**Print Shop (Major)** - An establishment specializing in long-run printing operations including, but not limited to, book, magazine, and newspaper publishing using engraving, die cutting, lithography, and thermography processes.

**Print Shop (Minor)** - An establishment specializing in short-run operations to produce newsletters, flyers, resumes, maps, construction documents and plans, and similar materials using photocopying, duplicating, and blue printing processes. This definition shall include mailing and shipping services, but exclude the on-site storage of heavy load fleet vehicles.

**Private Club** – An establishment holding a Private Club permit under Chapter 32 or 33 of the Texas Alcoholic Beverage Code, as amended, that derives thirty-five percent (35%) or more of its gross revenue from the sale or service of alcoholic beverages for on-premise consumption and that is located within a dry area as defined in Title 6 (Local Option Elections) of the Texas Alcoholic Beverage Code, as amended. Private Club does not include a fraternal or veteran's organization, as defined in the Texas Alcoholic Beverage Code, as amended, holding a private club permit under Chapter 32 or 33 of the Texas Alcoholic Beverage Code. A Private Club does not include the holder of a food and beverage certificate, as defined in the Texas Alcoholic Beverage Code, as amended. Unless the person owning or operating the use supplies the building official with records to prove otherwise, an establishment holding a Private Club permit under Chapter 32 or 33 of the Texas Alcoholic Beverage Code, as amended, is presumed to derive thirty-five percent (35%) or more of its gross revenue from the sale or service of alcoholic beverages for on-premise consumption. (ZA09-0004)

**Private Recreation Center** - A recreational facility, including, but not limited to, clubhouse, swimming pool, playground, and open space, operated for the exclusive use of private residents or neighborhood groups and their guests, and not the general public.

**Private Street Development** - A development of two or more lots sharing private gated vehicular access ways that are not dedicated to the public and are not publicly maintained. Private streets and alleys may be established only under the terms of the Subdivision Ordinance. The term "Private Street" shall be inclusive of alleys.

**Private Utility (other than listed)** - A non-public utility requiring special facilities in residential areas or on public property such as electricity, natural gas, or telecommunications not customarily provided by the municipality or public



utilities. All radiating equipment must comply with current Federal Communications Commission (FCC), Environmental Protection Agency (EPA), Occupational Health and Safety Administration (OSHA), and all other applicable State and Federal regulatory agency requirements and guidelines for human safety.

**Protected Area** - The Floodplain plus the area within three hundred feet (300') of the Flood Plain.

**Protected Residential Property** - Any property within the City that meets one of the following requirements:

- (A) The property is zoned a residential district as defined within the Zoning Ordinance or zoned a planned development for residential uses;
- (B) The property is designated on the Comprehensive Plan as any type of residential; or
- (C) The property is used or subdivided for use as residential.

**Railroad Track and Right-Of-Way** - The right-of-way and track used by a railroad, but not including railroad stations, sidings, team tracks, loading facilities, dockyards, or maintenance areas.

**Recreational Vehicle (RV)** - A portable or mobile living unit used for temporary human occupancy away from the place of permanent residence of the occupants and self-propelled (motorized). Also see heavy load vehicle.

**Recreational Vehicle/Truck Parking Lot or Garage** - An area or structure designed for the short or long-term parking or storage of recreational vehicles, boats, or heavy load vehicles.

**Recreational Vehicle Sales and Service, New/Used** - Sales and/or leasing of new and/or used recreational vehicles or boats, including, as an accessory use, repair work of recreational vehicles and boats.

**Recycling Collection Point** - An incidental use that serves as a neighborhood drop-off point for temporary storage of recoverable resources. No processing of such items is allowed. This facility would generally be located in a shopping center parking lot or in other public/quasi-public areas such as in churches and schools.

**Recycling Center** - A facility that is not a junkyard and in which recoverable resources, such as newspapers, glassware, and metal cans are collected, stored, flattened, crushed, or bundled, essentially by hand within a completely enclosed building.

**Recycling Plant** - A facility that is not a junkyard and in which recoverable resources, such as newspapers, magazines, books, and other paper products;

glass; metal cans; and other products, are recycled, reprocessed, and treated to return such products to a condition in which they may again be used for production.

**Redevelopment** - any manmade change or alteration to a design and/or layout of an existing Development(s) including repair, expansion and/or removal and replacement of existing building and/or structure, paving drainage, utilities, storage and/or agricultural uses.

**Rehabilitation Care Facility** - A dwelling unit which provides residence and care to not more than nine persons regardless of legal relationship who have demonstrated a tendency towards alcoholism, drug abuse, mental illness, or antisocial or criminal conduct living together with not more than two supervisory personnel as a single housekeeping unit.

**Rehabilitation Care Institution** - A facility which provides residence and care to ten or more persons, regardless of legal relationship, who have demonstrated a tendency toward alcoholism, drug abuse, mental illness, or antisocial or criminal conduct together with supervisory personnel.

**Research and Development Center** - A facility that includes laboratories and experimental equipment for medical testing, prototype design and development, and product testing. Any facility that is determined by Health, Fire, or Building officials to be a hazard or nuisance to adjacent property or the community at large, due to the possible emission of excessive smoke, noise, gas, fumes, dust, odor, or vibration, or the danger of fire, explosion, or radiation is not to be included in this category.

**Residence** - Any building or portion thereof, which is designed or used as living quarters for one or more families, but not including mobile homes.

**Residence Hotel** - A building or group of buildings used as a temporary dwelling place for individuals in exchange for financial consideration where customary hotel services such as linen, maid service, and telephone are provided. Residence Hotel room units are designed to be suitable for long term occupancy with financial consideration being calculated on a nightly, weekly, and/or monthly basis. Typical Residence Hotel attributes include, but are not limited to, kitchen facilities, two-story design, and external doorways into room units.

**Residential District** - District where the primary purpose is residential use.

**Restaurant or Cafeteria** - An establishment where food and drink are prepared and consumed primarily on the premises. Drive-up windows are permitted.

**Restaurant, Drive-In** - An eating establishment where primarily food or drink is served to customers in motor vehicles or where facilities are provided on the

premises which encourage the serving and consumption of food in automobiles on or near the restaurant premises.

**Retail/Service Incidental** - Any use different from the primary use but which compliments and/or supplements the primary use. Said use shall be operated for the benefit or convenience of the employees, visitors, or customers of the primary use. Incidental shall mean an area that constitutes not more than fifteen percent (15%) of the main use.

**Retail Stores and Shops** - An establishment engaged in the selling of goods and merchandise to the general public for personal or household consumption and rendering services incidental to the sale of such goods. Retail stores and shops include, but are not limited to, art and craft store, retail bakery, bookstore, boot and shoe sales, ceramics store, clothing and apparel store, computer store, department store, fabric store, florist, grocery store, food market, hobby or toy store, leather store, meat market, medical supply store, music instrument sales, novelty or gift shop, optical store, pet shop, drugstore or pharmacy, sporting goods (including the sale of firearms) store, trophy sales, television store, and used clothing store.

**Retirement Housing** - A development with dwelling units and/or services specifically designed to provide lodging, meals, and nursing care for ambulatory elderly or handicapped persons.

**Room** - A building or portion of a building that is arranged, occupied, or intended to be occupied as living or sleeping quarters but not including toilet or cooking facilities.

**Salvage Yard** - Any lot upon which two or more motor vehicles of any kind, which are incapable of being operated due to condition or lack of license, have been placed for the purpose of obtaining parts for recycling or resale.

**Satellite Dish Antenna** - An oval or round, parabolic apparatus capable of receiving communications from a transmitter relay located in planetary orbit. Usable satellite signals shall mean satellite signals, from the major communication satellites that, when viewed on a conventional television set, are at least equal in picture quality to those received from local commercial television stations or by way of cable television.

**School District Bus Yard** - Any premises owned and/or operated by an independent school district used for the parking and storage of motor-driven buses.

**School, Private or Parochial** - A school operated by a private or religious agency or corporation other than an independent school district, having a curriculum generally equivalent to a public elementary or secondary school.

**School, Public** - A school operated by an independent school district and providing elementary or secondary curriculum.

**Servant's Quarters** - An accessory dwelling in a residential district for the sole use and occupancy of a member of the immediate family or a person or persons employed on the premises by the occupant on a full time basis as domestic help, such as a maid, yard man, chauffeur, cook or gardener, but not involving the rental of such facilities or the use of separate utility connections.

**Sewage Treatment Plant/Pumping Station** - A facility owned and/or operated by a private entity that is designed for the collection, removal, treatment, and/or disposal of water borne sewage.

**Sexually Oriented Uses** - Sexually oriented establishments and businesses as defined in City of Frisco, Texas Ordinance Nos. 87-05-03, 91-02-05, 97-10-18, and 97-10-19 as they exist or may be amended. Sexually oriented uses include, but are not limited to, adult bookstore, adult video store, adult theater, adult cabaret, sexual encounter center, and nude modeling center.

**Shopping Center** - A group of primarily retail and service commercial establishments planned, constructed and managed as a total entity with customer and employee parking provided on-site, provision for goods delivery separated from customer access, provision of aesthetically appropriate design and protection from the elements.

**Single-Family Residence, Detached** - A dwelling designed and constructed for occupancy by one family and having no physical connection to a building located on any other separate lot or tract.

**Small Engine Repair Shop** - A shop for the repair of lawnmowers, chainsaws, lawn equipment, and other small engine equipment and machinery.

**Stable, Commercial** - A stable used for the rental of stall space or for the sale or rental of horses or mules.

**Standard Masonry Construction** - Having at least seventy five percent (75%) of the exterior walls of a building constructed of brick, stone or other masonry construction.

**Stealth Antenna, Commercial (ZA02-0026)** - A Stealth Antenna is a commercial antenna that is designed to be non-obtrusive, or virtually transparent or invisible to the surrounding neighborhood. Stealth Antennas include, but are not limited to:

- Antennas within a building's attic space,

- Antennas on the roof of a minimum three-story building and not visible from the property line of the lot on which the antenna is located,
- Antennas on a public utility structure, such as a water tower or high transmission line support tower, and painted to match the structure,
- Antennas located within a structure such as a flagpole, church steeple, subdivision monument, clock tower, or similar architectural feature, and Antennas located on an athletic field light pole.

**Story** - That portion of a building, other than a basement, included between the surface of any floor and the surface of the floor next above it, or, if there be no floor above it, then the space between the floor and the ceiling next above it. The average height for a story shall be defined as twelve feet (12'). Multiple stories, or portions thereof, shall be a result of the number of stories and story height of twelve feet (12'). The definition of a story does not include parapets, gables, and other normal roof structures.

**Story, Half** - A single room within a dwelling unit above the second floor. A half-story will occupy no less than two-thirds (2/3) of the area under the roof, and shall have non-operating opaque windows for facades that face adjacent properties. Transparent windows may face the front yard. A half story containing independent apartment, living quarters, or bedroom shall be counted as a full story.

**Street** - Any dedicated public thoroughfare that affords the principal means of access to abutting property.

**Street, Intersection** - Any street that joins another street at an angle, whether or not it crosses the other.

**Structural Alterations** - Any change in the supporting members of a building, such as bearing walls or partitions, columns, beams, or girders, or any substantial change in the roof or in the exterior walls.

**Structure** - Anything constructed or erected, the use of which requires location on the ground or which is attached to something having a location on the ground (also see definition of Building).

**Storage or Wholesale Warehouse** - A building used primarily for the storage of goods and materials.

**Studio Residence** - A residence that includes up to 50% of its total floor area as a work area for a photographer, artist, musician, architect, or similar occupation. The primary occupant of the work area must also be a permanent resident of the dwelling unit. All activities associated with the studio shall take place in the primary structure, as opposed to an accessory building or yard.

**Taxidermist** - An establishment whose principle business is the practice of preparing, stuffing, and mounting the skins of dead animals for exhibition in a lifelike state.

**Telephone Exchange** - A central switching hub servicing the public at large in which telephone lines are connected to permit communication.

**Temporary Building (ZA02-0025)** - An industrialized or modular building or structure without a permanent foundation shall be considered a temporary building. Membrane structures shall not be considered a temporary building. These temporary buildings may be used by a house of worship (church), public school (kindergarten (K) through twelfth (12th) grade), or government building for a period no greater than three (3) years, subject to approval by the Building Official. Additional one (1) year extension(s), thereafter, may be approved by the Planning & Zoning Commission. Appeals for determinations made by the Building Official or Planning & Zoning Commission may be forwarded to City Council for consideration. See Article II, Section 3.04(7) Temporary Building.

**Temporary Outdoor Lighting** - The specific illumination of an outside area or object by any man-made device located outdoors that produces light by any means for a period of less than four (4) days with at least one-hundred and eighty (180) days passing before being used again.

**Theater, Drive-In** - An open lot devoted to the showing of motion pictures or theatrical productions on a paid admission basis to patrons seated in automobiles.

**Theater, Neighborhood** - A building or part of a building devoted to the showing of motion pictures or for dramatic, musical, or live performances, with a maximum of ten screens, stages, or combination thereof or a combined seating capacity of 2,500 or less.

**Theater, Regional** - A building or portion of a building used primarily for showing motion pictures or for dramatic, musical, or live performance having more than ten screens, stages, or combination thereof or a combined seating capacity greater than 2,500.

**Townhome (Single-Family Residence, Attached)** - A structure containing three to eight dwelling units with each unit designed for occupancy by one family and each unit attached to another by a common wall.

**Tract** - An area, parcel, site, piece of land, or property that is the subject of a zoning or development application.

**Trailer, Hauling** - A vehicle to be pulled behind an automobile or truck which is designed for hauling animals, produce, goods or commodities, including boats.

**Trailer/Mobile Home Display and Sales** - The offering for sale, storage, or display of trailers or mobile homes on a parcel of land but excluding the use of such facilities as dwellings either on a temporary or permanent basis.

**Trailer Rental** - The display and offering for rent of trailers designed to be towed by light load vehicles.

**Trailer, Travel or Camping** - A portable or mobile living unit used for temporary human occupancy away from the place of residence of the occupants, and not constituting the principal place of residence of the occupants designed to be towed behind another vehicle.

**Transit Center** - Any premises, including bus stations, for the loading and unloading of passengers and the temporary parking of transit vehicles between routes or during stopovers and excluding overnight parking and storage of transit vehicles.

**Tree** - Any self-supporting woody perennial plant which has one well defined trunk diameter of four and one-half (4½") inches or more in diameter when measured at a point four and one-half feet (4½') above the natural ground level and which normally attains a height of at least twelve (12') feet at maturity.

**Tree, Protected** - Trees that meet one of the following requirements and determined to be healthy by the Director of Planning or his/her designee:

1. Any tree eight (8") inches or larger in diameter when measured at a point four and one-half feet (4½') above the ground level and which normally attains a height of at least twelve (12') feet at maturity, and located within the Protected Area.
2. A tree(s) 20.1 caliper inches and larger.
3. A Stand of Trees.

The following trees shall not be included in the above definition of Protected Trees:

Silver Leaf Maple	<i>Acer saccharinum</i>
Hackberry, Texas Sugarberry	<i>Celtis laevigata</i>
Honey Locust	<i>Gleditsia triacanthos</i>
Bois d' Arc	<i>Maclura pomifera</i>
Mimosa	<i>Mimosa sp.</i>
Mulberry	<i>Morus rubra</i>
White Poplar	<i>Populus alba</i>
Cottonwood	<i>Populus deltoides</i>
Mesquite	<i>Prosopis glandulosa</i>
Willow	<i>Willow sp.</i>

**Tree, Replacement or Transplanted** - any tree that is listed under Article IV, Section 2.07 of Comprehensive Zoning Ordinance No. 00-11-01, as it exists or may be amended, and/or utilized for mitigation of Protected Trees that have been, or are required to be, removed and replaced or transplanted under the requirements of the Ordinance. A replacement tree is one that has been planted to mitigate the removal of a tree from the property. A transplanted tree is one that exists on the property and is relocated within the property. A tree must have a minimum size of three inches (3") when measured at a point twelve inches (12") above the natural ground level and will normally attain a height of at least twelve feet (12') at maturity to be considered a replacement or transplanted tree.

**Trees, Stand of** - A group of six (6) or more protected trees that have a combined caliper measurement of forty-eight (48) inches or greater and each tree is within twenty (20) linear feet of another tree within the group. The distance measurement shall occur at natural grade from edge of trunk to edge of trunk.

**Truck** - A light or heavy load vehicle (see definition for light and heavy load vehicle).

**Truck/Bus Repair** - An establishment providing major and minor repair services to panel trucks, vans, trailers, recreational vehicles, or buses.

**Truck Sales, Heavy Trucks** - The display, storage, sale, leasing, or rental of new or used panel trucks, vans, trailers, recreational vehicles, or buses in operable condition.

**Truck Terminal** - An area and building where cargo is stored and where trucks, including tractors and trailer units, load and unload cargo on a regular basis, including facilities for the temporary storage of loads prior to shipment.

**Two Family Residence** - A detached dwelling designed with a common vertical wall between units and to be occupied by two families living independently of each other.

**Usable Open Space** - An area or recreational facility that is designed and intended to be used for outdoor living and/or recreation. An area of common usable open space shall have a slope not exceeding ten percent (10%); shall have no dimension of less than fifteen (15) feet; and may include recreational facilities, water features, required perimeter landscape areas, flood plain areas and decorative objects such as art work or fountains. Usable open space shall not include: walks, rooftops, accessory buildings, except those portions or any building designed specifically for recreational purposes, parking areas, landscaped parking requirements, driveways, turn-rounds or the right-of-way or easement for streets or alleys.



**Utility Distribution/Transmission Line** - Facilities, including subsidiary stations, that serve to distribute, transmit, transform, or reduce the pressure of gas, water, or electric current, including, but not limited to, electrical transmission lines, gas transmission lines, and metering stations.

**Variance** - An adjustment in the application of the specific regulations of the Zoning Ordinance to a particular parcel of property which, because of special conditions or circumstances of hardship peculiar to the particular parcel, is necessary to prevent the property from being deprived of rights and privileges enjoyed by other parcels in the same vicinity and zoning district. Only the Board of Adjustment of the City of Frisco can grant a variance.

**Veterinarian Clinic and/or Kennel, Indoor** - An establishment, not including outside pens, where animals and pets are admitted for examination and medical treatment, or where domesticated animals are housed, groomed, bred, boarded, trained, or sold for commercial purposes.

**Veterinarian Clinic and/or Kennel, Outdoor** - An establishment with outdoor pens, where animals and pets are admitted for examination and medical treatment, or where domesticated animals are housed, groomed, bred, boarded, trained, or sold for commercial purposes.

**Water Treatment Plant** - A facility owned and/or operated by a private entity that is used to alter the physical, chemical, or biological quality of water.

**Yard** - An open space at grade between a building and the adjoining lot lines, unoccupied and unobstructed by any portion of a structure from the ground upward, except where otherwise specifically provided in this Ordinance that the building or structure may be located in a portion of a yard required for a main building. In measuring a yard for the purpose of determining the width of the side yard, the depth of a front yard or the depth of a rear yard, the shortest horizontal distance between the lot line and the main building shall be used (see Article VI, Appendix 1, Illustration #4).

**Yard, Front** - A yard located in front of the front elevation of a building and extending across a lot between the side yard lines and being the minimum horizontal distance between the front property line and the outside wall of the main building (see Article VI, Appendix 1, Illustration #10).

**Yard, Rear** - The area extending across the rear of a lot measured between the lot lines and being the minimum horizontal distance between the rear lot line and the rear of the outside wall of the main building. On both corner lots and interior lots, the rear yard shall in all cases be at the opposite end of the lot from the front yard (see Article VI, Appendix 1, Illustration #12).

**Yard, Side** - The area between the building and side line of the lot and extending from the front lot line to the rear lot line and being the minimum horizontal distance between a side lot line and the outside wall of the side of the main building (see Article VI, Appendix 1, Illustration #12).

**Zoning Application (ZA06-0006)** means a request to consider an ordinance establishing or changing a zoning district, including but not limited to an ordinance establishing or amending a Planned Development District or Specific Use Permit.

**Zoning District Map** - The official map upon which the boundaries of the various Zoning Districts are drawn and which is an integral part of the Zoning Ordinance.